

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TYREE TALLEY,

Plaintiff,

V.

1:21-CV-249-RP

CITY OF AUSTIN, BENJAMIN LYNCH,
GADIEL ALAS, TIMOTHY COBAUGH,
DARRELL CANTU-HARKLESS, JOSEPH
HETHERSHAW, GREGORY CHERNE, and
JUSTIN WRIGHT,

Defendants.

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendants Gadiel Alas, Darrell Cantu-Harkless, Gregory Cherne, Timothy Cobaugh, Joseph Hethershaw, Benjamin Lynch, and Justin Wright’s (“Defendants”) Motion to Dismiss. (Dkt. 85). (R. & R., Dkt. 121). Defendants timely filed objections to the report and recommendation. (Objs., Dkt. 124).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Defendants timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Defendants' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 121), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss, (Dkt. 85), is
DENIED.

IT IS FURTHER ORDERED that the Clerk of the Court shall terminate Defendant
"John Does" as a party in this case.

SIGNED on August 14, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE